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SENATE BILL 454

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO CULTURAL AFFAIRS; CREATING THE MUSEUM OF THE AMERICAN WEST DIVISION OF THE CULTURAL AFFAIRS DEPARTMENT, WHOSE PRINCIPAL PROPERTY IS THE HUBBARD MUSEUM OF THE AMERICAN WEST; CREATING A BOARD; PROVIDING POWERS AND DUTIES; AMENDING, ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-4A-1 NMSA 1978 (being Laws 2004, Chapter 25, Section 1) is amended to read:

"9-4A-1. SHORT TITLE.--~~[Sections 1 through 10 of this act]~~ Chapter 9, Article 4A NMSA 1978 may be cited as the "Cultural Affairs Department Act"."

Section 2. Section 9-4A-4 NMSA 1978 (being Laws 2004, Chapter 25, Section 4) is amended to read:

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1 "9-4A-4. DEPARTMENT CREATED.--The "cultural affairs  
2 department" is created in the executive branch. The department  
3 is a cabinet department and includes the following divisions:

- 4 A. the administrative services division;
- 5 B. the arts division;
- 6 C. the historic preservation division;
- 7 D. the library division;
- 8 E. the Hispanic cultural division;
- 9 F. the farm and ranch heritage museum division;
- 10 G. the natural history and science museum division;
- 11 H. the museum of space history division;
- 12 I. the museum services division; [~~and~~]
- 13 J. the museum of the American west; and

14 [~~J-~~] K. the following divisions that make up the  
15 museum of New Mexico:

- 16 (1) the palace of the governors state history  
17 museum division;
- 18 (2) the museum of fine art division;
- 19 (3) the museum of Indian arts and culture  
20 division;
- 21 (4) the museum of international folk art  
22 division;
- 23 (5) the archaeological services division; and
- 24 (6) the state monuments division."

25 Section 3. A new section of Chapter 18 NMSA 1978 is

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1 enacted to read:

2 "[NEW MATERIAL] SHORT TITLE.--Sections 3 through 11 of  
3 this act may be cited as the "Museum of the American West  
4 Act"."

5 Section 4. A new section of Chapter 18 NMSA 1978 is  
6 enacted to read:

7 "[NEW MATERIAL] PURPOSE OF ACT.--The legislature declares  
8 that the art and history of the American west constitute a  
9 common heritage about which all persons should receive  
10 knowledge and benefit. The purpose of the Museum of the  
11 American West Act is to create a state museum to collect,  
12 preserve, study and interpret materials representative of the  
13 American west and develop and maintain educational exhibits and  
14 programs on the American west for the benefit of the citizens  
15 of New Mexico and visitors to the state."

16 Section 5. A new section of Chapter 18 NMSA 1978 is  
17 enacted to read:

18 "[NEW MATERIAL] DEFINITIONS.--As used in the Museum of the  
19 American West Act:

- 20 A. "board" means the board of trustees of the  
21 Hubbard museum of the American west;  
22 B. "director" means the director of the division;  
23 C. "division" means the museum of the American west  
24 division of the cultural affairs department; and  
25 D. "museum" means the Hubbard museum of the

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1 American west."

2 Section 6. A new section of Chapter 18 NMSA 1978 is  
3 enacted to read:

4 "[NEW MATERIAL] MUSEUM DIVISION CREATED--MUSEUM LOCATION--  
5 PROPERTY.--

6 A. The "museum of the American west division" is  
7 created within the cultural affairs department. The principal  
8 facility of this division is the "Hubbard museum of the  
9 American west" located in Ruidoso Downs. The site shall be  
10 held in the name of the state.

11 B. All property, real or personal, now held or  
12 subsequently acquired for the operation of the museum shall be  
13 under the control and authority of the board.

14 C. Funds or other property received by gift,  
15 endowment or legacy shall remain under the control of the board  
16 and shall, upon acceptance, be employed for the purpose  
17 specified."

18 Section 7. A new section of Chapter 18 NMSA 1978 is  
19 enacted to read:

20 "[NEW MATERIAL] BOARD OF TRUSTEES CREATED--APPOINTMENT--  
21 TERMS--OFFICERS.--

22 A. The "board of trustees of the Hubbard museum of  
23 the American west" is created. The board shall consist of nine  
24 residents of New Mexico appointed by the governor with the  
25 advice and consent of the senate. In making the appointments,

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1 the governor shall give due consideration to geographic  
2 distribution of members and to individual interest and  
3 background in fields related to the history, art and artifacts  
4 of the American west. The members shall serve at the pleasure  
5 of the governor. Vacancies shall be filled for the remainder  
6 of the unexpired term.

7 B. The president of the board shall be designated  
8 by the governor and shall serve in that capacity at the  
9 pleasure of the governor. Other officers as deemed necessary  
10 by the board shall be elected by the board annually at its  
11 first scheduled meeting after July 1.

12 C. Members are entitled to per diem and mileage as  
13 provided in the Per Diem and Mileage Act and shall receive no  
14 other compensation, perquisite or allowance."

15 Section 8. A new section of Chapter 18 NMSA 1978 is  
16 enacted to read:

17 "[NEW MATERIAL] BOARD POWERS AND DUTIES.--The board shall:

18 A. exercise trusteeship over the collections of the  
19 museum;

20 B. accept and hold title to all property for museum  
21 use;

22 C. review annually the performance of the director  
23 and report its findings to the secretary of cultural affairs;

24 D. enter into agreements or contracts with private  
25 or public organizations, agencies or individuals to obtain real

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1 or personal property for museum use;

2 E. authorize the director to solicit and receive  
3 funds or property of any nature for the development of the  
4 museum, its collections and its programs;

5 F. adopt such rules as may be necessary to carry  
6 out the provisions of this section; and

7 G. establish museum policy and determine the  
8 mission and direct the development of the institution."

9 Section 9. A new section of Chapter 18 NMSA 1978 is  
10 enacted to read:

11 "[NEW MATERIAL] DIRECTOR--APPOINTMENT--QUALIFICATIONS.--

12 A. The director shall be appointed by the secretary  
13 of cultural affairs from a list of no less than three names  
14 provided by the board.

15 B. The director of the division shall meet the  
16 following minimum qualifications:

17 (1) hold a bachelor's or higher degree in a  
18 discipline related to the function of the division; and

19 (2) have significant experience in the  
20 management and operation of an organization similar to the  
21 division."

22 Section 10. A new section of Chapter 18 NMSA 1978 is  
23 enacted to read:

24 "[NEW MATERIAL] DIRECTOR--POWERS AND DUTIES.--The  
25 director:

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1           A. shall be responsible for the administration of  
2 the division and for the operation of the museum in accordance  
3 with policies of the board;

4           B. shall develop exhibits and programs of an  
5 educational nature for the benefit of the public and with  
6 particular concern for the interests of the schools of the  
7 state;

8           C. shall, as authorized by the board, acquire by  
9 donation or other means of acquisition collections and related  
10 materials appropriate to the museum's mission;

11          D. shall employ such professional staff and other  
12 employees as are necessary to the operation of the museum in  
13 accordance with the provisions of the Personnel Act;

14          E. may solicit and receive funds or property of any  
15 nature for the development of the museum, its collections and  
16 its programs;

17          F. shall cooperate with institutions of higher  
18 learning and other agencies and political subdivisions of  
19 municipal, state and federal governments to establish, maintain  
20 and extend the programs of the museum;

21          G. may, as authorized by the board, lend  
22 collections materials to qualified institutions and agencies  
23 for purposes of exhibition and study and borrow collections  
24 materials from other institutions and agencies for like  
25 purpose;

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1 H. shall impose and collect admission fees  
2 determined by the board and conduct such retail sales as are  
3 normal for the operation of a museum;

4 I. may publish such journals, books, reports and  
5 other materials as are appropriate to the operation of the  
6 museum; and

7 J. shall perform other duties as provided by law or  
8 requested by the secretary of cultural affairs."

9 Section 11. A new section of Chapter 18 NMSA 1978 is  
10 enacted to read:

11 "[NEW MATERIAL] MUSEUM ADMISSION POLICY.--The board shall  
12 establish and implement a policy to permit New Mexico residents  
13 age sixty years and older to enter all publicly accessible  
14 exhibit and program areas, except special exhibits and programs  
15 where commissions or royalties are paid by contract, free of  
16 charge every Wednesday that is not a holiday that the museum is  
17 open."

18 Section 12. TEMPORARY PROVISION--RECOMPILATION.--Sections  
19 9-4A-13 through 9-4A-18 NMSA 1978 (being Laws 2004, Chapter 25,  
20 Sections 13 through 18) are recompiled in Chapter 18, Article 3  
21 NMSA 1978.

22 Section 13. APPROPRIATION.--Eight hundred thousand  
23 dollars (\$800,000) is appropriated from the general fund to the  
24 cultural affairs department for expenditure in fiscal year 2006  
25 to carry out the purposes of the Museum of the American West

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1 Act. Any unexpended or unencumbered balance remaining at the  
2 end of fiscal year 2006 shall revert to the general fund.

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